



U.S. Department of Justice

**Bureau of Alcohol, Tobacco,
Firearms and Explosives**

Martinsburg, WV 25405

www.atf.gov

OCT 31 2019
903050:MRC
3311/301071

Exhibit "G"

Dear Mr. Stakes,

This is in reference to your correspondence (including copy of a patent application), with accompanying AR-type fire-control components, received by the Firearms Technology Branch (FTB), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). In your cover letter, you asked FTB to examine this "3MR™" trigger assembly (see enclosed photo) and determine its classification.

For your reference in this matter, the National Firearms Act, 26 U.S.C. Section 5845(b), defines "machinegun" as—

...any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person.

As indicated, your prototype trigger has three modes: safe mode, a match grade semi-automatic mode, and another match grade semiautomatic mode with a positive reset characteristic. In support of this product, you point out that it will provide tactical and competition shooters with a "safer, faster, and more reliable trigger group." It is also intended to provide positive resets between each shot.

Mr. Michael Stakes

Page 2

The FTB examination confirmed that the trigger unit consists of a housing, hammer, trigger, disconnect, selector, springs, and reset lever that are designed to be used in an AR-15 type platform. Our examination disclosed that when the selector is placed in the vertical position (apex at 12 o'clock), the trigger, disconnect, and hammer function as any AR-semiautomatic type trigger is designed to do. Further examination also showed that when the selector was placed in the horizontal position (apex at 3 o'clock), the reset lever pivots forward, and the hammer engages/contacts the lever during the cycling of the rifle. In this position, the hammer contacts the reset lever during cocking, which applies force to the trigger, forces the shooter's finger forward, and allows the trigger to reset rapidly.

In the course of our evaluation, FTB personnel installed the submitted 3MR™ trigger into an AR-15 type rifle housed in the ATF National Firearms Collection for test firing. During this phase, a function test was performed before live-fire was conducted. The 3MR™ functioned only semi automatically during both the field test and live-firing.

In conclusion, FTB has determined that the 3MR™ trigger assembly is not a part or combination of parts that will convert a semiautomatic firearm into a machinegun. Your sample will be returned via the FedEx account number provided in your cover letter.

We thank you for your inquiry and trust the foregoing has been responsive to your evaluation request.

Sincerely yours,


Earl Griffith
Chief, Firearms Technology Branch

Enclosure



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Martinsburg, WV 25403

www.atf.gov

903050: WJS
3311/301397

NOV 20 2013



Dear Mr. Hawbaker,

This is in reference to your latest correspondence to FTB, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), which is accompanied by an AR-type firearm in which AR-15 pattern fire-control components are installed (see enclosed photos). Your item was submitted in response to FTB letter # 2012-683-WS, which provided our evaluation of the last sample of your proposed trigger device. Although we informed you in letter #2012-683 that FTB had classified this device as a "machinegun" per 26 U.S.C. § 5845(b), we indicated that our Branch would evaluate it again if you could redesign your trigger device to incorporate a positive disconnector mechanism.

The current sample examined by FTB consists of a modified trigger device (assembly) for AR-15 pattern firearms. This assembly is designed to allow one shot to be fired when the trigger is pulled, and another shot when the trigger is released. Further, we found that the device selector has not been machined to enable the trigger to be pulled further than an unmodified selector would allow. The trigger has been modified to incorporate a shaft which adjusts the position of the disconnector relative to the trigger. Additionally, FTB observed that material on the top and bottom portion of the hammer has been removed, and our evaluation also disclosed that there is an additional "disconnector" located directly behind the primary disconnector. This "secondary" disconnector enables the hammer to be held positively to rear, prior to the release of trigger, for the "release shot."

To determine its two modes of operation, FTB first performed a manual function test on the submitted sample in its "normal mode" with the device selector placed in its "12 o'clock position." This test disclosed that the submitted sample would function as an un-modified semiautomatic AR-type firearm.

Mr. Peter Hawbaker

Page 3

The second function test, performed in the "modified mode," with the device selector placed in its "9 o'clock position," found that (1) a pull of the trigger would release the hammer, and (2) a subsequent release of the trigger would allow the secondary disconnector to release the hammer. At this point, an unmodified trigger group would retain the hammer on the trigger-engagement surface; the modified group, however, allows the hammer to travel forward, firing a cartridge by releasing the trigger.

Based on these function tests, our Branch has determined your system is designed and intended to allow only a single shot to be fired with each movement of the trigger since it incorporates a positive disconnector function for the "pull" shot and the "release" shot. As a result, the safe capture of the hammer after the "pull" shot has been fired is not affected by the rapid release of the trigger by the shooter. Consequently, if the trigger is pulled slowly, a condition known as "hammer-follow" does not occur.

Live-fire testing of the accompanying host firearm with your submitted trigger device installed confirmed the results of the manual function testing. If the trigger was pulled and released deliberately and quickly, a single shot was fired for each pull and each release. Further, if the trigger was pulled slowly, "hammer-follow," which could cause a firearm to shoot automatically more than one shot, without manual reloading, by a single function of the trigger, was not observed—in contrast to our findings when testing your previously submitted sample.

Therefore, based on the results of our examination and testing, FTB has determined that your submitted trigger device, as received and examined, does not constitute a combination of parts designed and intended for use in converting a weapon into a machinegun. Also, FTB finds that the host AR-type firearm, CMMG MK-4 (serial number SCM-101303), not having any modifications made to the receiver that would cause it to fire automatically, is not a "machinegun" as defined in 26 U.S.C. 5845(b). This firearm, along with the installed trigger device, will be returned to you as soon as our Branch has received either a FedEx (or alternate carrier) account number, or a prepaid return label.

We thank you for providing FTB with a new sample and trust the foregoing has been responsive to your current evaluation request.

Sincerely yours,

Chief, Firearms Technology Branch

Enclosure



**BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND
EXPLOSIVES**

**OFFICIAL NOTIFICATION
POSTED ON
SEPTEMBER 21, 2023**

**LEGAL NOTICE
ATTENTION**

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) gives notice that the property listed below was seized for federal forfeiture for violation of federal law. Laws and procedures applicable to the forfeiture process can be found at 19 U.S.C. Sections 1602 - 1619, 18 U.S.C. Section 983, and 28 C.F.R. Parts 8 and 9.

[See full legal notice on page one, which includes instructions on how to file a claim and/or a petition.](#)

LAST DATE TO FILE CLAIM: 11/07/2023

LAST DATE TO FILE PETITION: 11/17/2023

NORTHERN DISTRICT OF FLORIDA

22-ATF-035997: Unknown Machine Gun Conversion Kit Glock GMBH CAL:Unknown SN:None, valued at \$500.00, seized by the ATF on August 03, 2022 from Sincere Perkins in Tallahassee, FL for forfeiture pursuant to 26 U.S.C. Section 5872.

23-ATF-031492: WIDE OPEN TRIGGERS (WOTS) UNKNOWN MACHINEGUN CAL:UNKNOWN SN:NONE, valued at \$400.00, seized by the ATF on August 22, 2023 from Jesse PENNINGTON in ORLANDO, FL for forfeiture pursuant to 26 U.S.C. Section 5872.

SOUTHERN DISTRICT OF FLORIDA

23-ATF-031729: ADVANCE ARMAMENT CORP. EVOLUTION SILENCER CAL:45 SN:E45-2326, valued at \$600.00, seized by the ATF on July 24, 2023 from ALAN GLANZBERG in WEST PALM BEACH, FL for forfeiture pursuant to 26 U.S.C. Section 5872.

MIDDLE DISTRICT OF GEORGIA

23-ATF-031773: WOT Triggers WOT for AR15 Machinegun CAL: Unknown SN:None, valued at \$350.00, seized by the ATF on September 06, 2023 from Bill Carswell in Macon, GA for forfeiture pursuant to 26 U.S.C. Section 5872.

NORTHERN DISTRICT OF GEORGIA

23-ATF-031971: Wide Open Trigger Unknown Machine Gun Conversion Kit CAL:Unknown SN:None, valued at \$200.00, seized by the ATF on August 10, 2023 from Jerry Fields Jr. in Jefferson, GA for forfeiture pursuant to 26 U.S.C. Section 5872.

SOUTHERN DISTRICT OF GEORGIA

23-ATF-032195: Wide Open Trigger (WOT) for AR15 Machinegun SN:None, valued at \$100.00, seized by the ATF on August 31, 2023 from Aaron Overton in Savannah, GA for forfeiture pursuant to 26 U.S.C. Section 5872.

NORTHERN DISTRICT OF ILLINOIS

23-ATF-032034: INLAND MANUFACTURING, LLC UNKNOWN Machine Gun CAL:UNKNOWN SN:6765552, valued at \$400.00, seized by the ATF on August 24, 2023 from Richard Eddington in Evanston, IL for forfeiture pursuant to 26 U.S.C. Section 5872.

DISTRICT OF KANSAS

23-ATF-031759: Gemtech Outback-IID Silencer CAL:None SN:S1253922, valued at \$500.00, seized by the ATF on August 11, 2023 from William Norris in Hutchinson, KS for forfeiture pursuant to 26 U.S.C. Section 5872.

23-ATF-031762: Gemtech Quicksand Silencer CAL:None SN:S1366829, valued at \$500.00, seized by the ATF on August 11, 2023 from William Norris in Hutchinson, KS for forfeiture pursuant to 26 U.S.C. Section 5872.

**LEGAL NOTICE
ATTENTION**

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) gives notice that the property listed below was seized for federal forfeiture for violation of federal law. Laws and procedures applicable to the forfeiture process can be found at 19 U.S.C. Sections 1602 - 1619, 18 U.S.C. Section 983, and 28 C.F.R. Parts 8 and 9.

[See full legal notice on page one, which includes instructions on how to file a claim and/or a petition.](#)

LAST DATE TO FILE CLAIM: 11/07/2023

LAST DATE TO FILE PETITION: 11/17/2023

DISTRICT OF MARYLAND

22-ATF-034010: FIREARM, ANY OTHER, UNKNOWN MANUFACTURER, MODEL:AD15, CAL:556, SN AD00845, valued at \$99.00, seized by the ATF on July 22, 2022 from Antonia Stavrakis in Ocean City, MD for forfeiture pursuant to 26 U.S.C. Section 5872.

22-ATF-034016: UNKNOWN M26 OTHER CAL:12 SN:A000067, valued at \$99.00, seized by the ATF on July 22, 2022 from Antonia Stavrakis in Ocean City, MD for forfeiture pursuant to 26 U.S.C. Section 5872.

22-ATF-034024: C-MORE COMPETITION M26 SHOTGUN CAL:UNKNOWN SN:A000096, valued at \$99.00, seized by the ATF on July 22, 2022 from Antonia Stavrakis in Ocean City, MD for forfeiture pursuant to 26 U.S.C. Section 5872.

22-ATF-034035: ADCOR INDUSTRIES INC UNKNOWN MACHINE-GUN CAL:UNKNOWN SN:AD00001, valued at \$99.00, seized by the ATF on July 22, 2022 from Antonia Stavrakis in Ocean City, MD for forfeiture pursuant to 26 U.S.C. Section 5872.

22-ATF-034037: ADCOR INDUSTRIES INC ADC15 UNKNOWN CAL:556 SN:AD00001, Serial No. AD00335, valued at \$99.00, seized by the ATF on July 22, 2022 from Antonia Stavrakis in Ocean City, MD for forfeiture pursuant to 26 U.S.C. Section 5872.

22-ATF-034042: ADCOR TRAINING FIREARM UNKNOWN RIFLE CAL:MULTI SN:NONE, valued at \$99.00, seized by the ATF on July 22, 2022 from Antonia Stavrakis in Ocean City, MD for forfeiture pursuant to 26 U.S.C. Section 5872.

DISTRICT OF MAINE

23-ATF-025654: Wide Open Trigger UNKNOWN MANUFACTURER UNKNOWN TYPE MG CONVERSION DEVICE CAL:UNKNOWN SN:NONE, valued at \$1.00, seized by the ATF on May 19, 2023 from Adam MCLAUGHLIN in PITTSFIELD, ME for forfeiture pursuant to 26 U.S.C. Section 5872.

23-ATF-027745: UNKNOWN MP43 MACHINE-GUN CAL: UNKNOWN SN:6980, valued at \$25,000.00, seized by the ATF on July 07, 2023 from Anne Sluzenski in CHARLOTTE, ME for forfeiture pursuant to 26 U.S.C. Section 5872.

23-ATF-027760: UNKNOWN MP44 MACHINE-GUN CAL:UNKNOWN SN:7666, valued at \$18,000.00, seized by the ATF on July 07, 2023 from Anne Sluzenski in CHARLOTTE, ME for forfeiture pursuant to 26 U.S.C. Section 5872.

23-ATF-027763: UNKNOWN MP40 MACHINE-GUN CAL:UNKNOWN SN:6256, valued at \$5,000.00, seized by the ATF on July 07, 2023 from Anne Sluzenski in CHARLOTTE, ME for forfeiture pursuant to 26 U.S.C. Section 5872.

23-ATF-027765: UNKNOWN MG 08/18 MACHINE-GUN CAL:UNKNOWN SN:169, valued at \$20,000.00, seized by the ATF on July 07, 2023 from Anne Sluzenski in CHARLOTTE, ME for forfeiture pursuant to 26 U.S.C. Section 5872.

23-ATF-027766: UNKNOWN MP40 MACHINE-GUN CAL:UNKNOWN SN:1186, valued at \$5,000.00, seized by the ATF on July 07, 2023 from Anne Sluzenski in CHARLOTTE, ME for forfeiture pursuant to 26 U.S.C. Section 5872.

23-ATF-032048: Wide Open Trigger UNKNOWN MANUFACTURER UNKNOWN TYPE Machine Gun CAL:Unknown SN:NONE, valued at \$200.00, seized by the ATF on September 07, 2023 from Matthew Davies in WESTBROOK, ME for forfeiture pursuant to 26 U.S.C. Section 5872.

WESTERN DISTRICT OF MICHIGAN

23-ATF-031789: AR15 AUTO SEAR MACHINE GUN CONVERSION KIT CAL:Unknown SN:Unknown, valued at \$1.00, seized by the ATF on August 04, 2023 from Grant Taylor in Alto, MI for forfeiture pursuant to 26 U.S.C. Section 5872.

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF NEW YORK

2 - - - - - X

3 UNITED STATES OF AMERICA, : 23-CV-00369 (NM)

4 Plaintiff, :

5 : United States Courthouse
6 -against- : Brooklyn, New York

7 : August 1, 2023
8 RARE BREED TRIGGERS, LLC, : 10:00 a.m.

8 ET. AL, :

9 Defendant. :

10 - - - - - X

11 TRANSCRIPT OF CIVIL CAUSE FOR PRELIMINARY INJUNCTION HEARING
12 BEFORE THE HONORABLE NINA MORRISON
13 UNITED STATES DISTRICT JUDGE

13 A P P E A R A N C E S:

14 For the Plaintiff: U.S. ATTORNEYS OFFICE
15 EASTERN DISTRICT OF NEW YORK
16 271 Cadman Plaza East
Brooklyn, New York 11201

17 BY: MICHAEL S. BLUME, ESQ.
18 PAULINA STAMATELOS, ESQ.
DAVID ALLEN COOPER, ESQ.

19 For the Defendant: DHILLON LAW GROUP
20 2121 Eisenhower Avenue
Alexandria, Virginia 22314

21 BY: DAVID WARRINGTON, ESQ.
22 MICHAEL A. COLUMBO, ESQ.
JACOB ROTH, ESQ.

23 Court Reporter: JAMIE ANN STANTON, RMR, CRR, RPR
24 Official Court Reporter
Telephone: (718) 613-2274
E-mail: Jamiestanton.edyn@gmail.com

25 Proceedings recorded by computerized stenography. Transcript produced by
Computer-aided Transcription.

1 shooting technique and fundamentals?

2 A As part of our on-boarding we go through a range session
3 that is taught by someone that is certified and they go over
4 our standard operating procedures that include how to operate
5 a weapon. So if you feel that counts, then, yes, I would say
6 so.

7 Q Okay. Starting at the beginning, let's talk about the
8 AR-15 and how it operates.

9 Before a person pulls a trigger on the AR-15
10 equipped with an FRT-15, when the hammer is cocked and the
11 trigger is in the forward position, would you agree that the
12 hammer is held in place by the trigger sear surface?

13 A Are we assuming that the bolt is in the full locked
14 position and the firearm is ready to fire?

15 Q Yes.

16 A Yes. The hammer is being retained by the trigger.

17 Q When a person pulls the trigger, the trigger releases the
18 hammer, right?

19 A Yes, that's correct.

20 Q And the hammer then impacts, as you called it, the
21 cartridge and the bullet is fired from the gun?

22 A Yes.

23 Q The hammer then returns to be engaged by the trigger sear
24 surface, right?

25 A Yes, it does.

1 Q That is, once again, the trigger is holding the hammer
2 back in place, right?

3 A Yes.

4 Q And the trigger is also forced forward, is it not?

5 A It is.

6 Q Then there comes a point in time when the trigger is held
7 in place by a locking bar; isn't that right?

8 A That is correct.

9 Q At that point in time, when the trigger has been forced
10 forward and held in place by a locking bar, the user cannot
11 pull the trigger rearwards, right?

12 A They can pull the trigger rearwards.

13 Q Will it have any effect?

14 A No.

15 Q Would you agree now that, as you wrote in your report at
16 page 12 -- if you don't mind going to page 12, might as well,
17 you see the paragraph begins, It is important to note?

18 A The second paragraph?

19 Q Yes.

20 A Yes.

21 Q Could you read the first two sentences of that paragraph?

22 A It is important to note that at this moment the hammer is
23 solely being retained by the trigger sear surface. The
24 trigger is still being pulled rearwards by the shooter, is
25 unable to disengage from the hammer because the locking bar

1 prevents the trigger from dropping out of engagement with the
2 hammer.

3 Q At the particular moment in time when, as you say the
4 locking bar prevents the trigger from dropping out of
5 engagement with the hammer, isn't it true that the user cannot
6 pull the trigger rearward and the gun cannot fire again?

7 A The user can pull the trigger rearward, but the trigger
8 will not move rearwards.

9 Q Very well. Thank you for that clarification.

10 While so locked at that moment in time, the trigger
11 will not move whether the user has increased, decreased or
12 entirely removed pressure from the trigger; isn't that right?

13 A If the user were to release pressure, the trigger might
14 move forward a little bit, but if the user maintains rearward
15 pressure, the trigger will not move.

16 Q And even if it's less rearward pressure than before?

17 A Yes.

18 Q Subsequently, after the locking bar releases the trigger,
19 the user can pull the trigger rearward causing the trigger to
20 release the hammer; isn't that right?

21 A Yes. If the user is pulling the trigger rearward the
22 trigger will move rearward at that point.

23 Q And release the hammer?

24 A Yes.

25 Q Which will then cause the gun to fire again?

1 A Yes, it will continue.

2 Q Well, it will fire again at that moment, right?

3 A Yes, it will.

4 Q But for the trigger to release the hammer and the gun to
5 fire again, that trigger must move rearward, right?

6 A Yes, it must.

7 Q And the force used to move that trigger rearward doesn't
8 come from the FRT-15, does it?

9 A No, it does not.

10 Q The force that moves the trigger rearward is supplied by
11 the user's finger; isn't that right?

12 A That is correct.

13 Q Indeed, for every shot fired by an FRT-15, the trigger
14 must move rearward to release the hammer; isn't that right?

15 A Yes, that's correct.

16 Q In your report you compare the FRT-15 to an M16 machine
17 gun, right?

18 A I do.

19 Q And let's look at the top of page 5 if we could.

20 Did you write this part of your report?

21 A I believe that this paragraph was in another report, but
22 I believe I modified the language in this paragraph.

23 Q But not much, right?

24 A I don't believe so.

25 Q Would it surprise you if your report generally shares

1 much of the same content as a report written by Ron Davis in
2 October 2021 and some from a report written by Jason Armstrong
3 is December 2022?

4 A What was the question?

5 Q Would it surprise you if your report shares much of the
6 same content as a report written by Ron Davis in October 2021,
7 and a report written by Jason Armstrong in December 2022?

8 A No, it would not surprise me. Once our classifications
9 are written and we have a letter out that has good,
10 consistent, factually correct language that has already went
11 up the chain and reviewed and is a proven language, there's no
12 need for me to reinvent the wheel, so to speak, and completely
13 start from scratch if there is good language out there that we
14 could use.

15 Q So if we go to the paragraph on page five beginning with
16 U.S. Patent number 10,514,223, do you see that part?

17 A Yes.

18 Q So it wouldn't surprise you that, with the exception of a
19 couple words, you copied this paragraph from earlier reports?

20 A Yes, this paragraph I believe is factually correct.

21 Q And copied from prior reports?

22 A Yes, if it's correct there's no reason to change it.

23 Q And the next paragraph on page 5 beginning with, This
24 external force, do you see that paragraph? This too was also
25 copied with the exception of a couple of words from an earlier

1 report?

2 A Yes, that's correct.

3 Q I guess we've already kind of gotten there, but you'd
4 agree that essentially -- and we can flip through it if you'd
5 like, but basically pages six to 11 and 13 to 14 of your
6 report, with the exception of a few words, are a copy of an
7 earlier report?

8 A Yes, I believe that there's a classifications letter that
9 we have out that when I read it I believe that it's factually
10 correct and I agree with the statements that are being made,
11 that I don't feel that there is a need to rewrite all of those
12 and have them go through the same review process of a letter
13 that would have if started from scratch. These are
14 paragraphs, sentences that convey a point of how the device
15 works that I agree with.

16 Q Okay. Drawing your attention to page 15, do you see that
17 in the middle paragraph beginning with the words, I then test
18 fired, do you see that part of your report?

19 A Yes.

20 Q With the exception of the reference to Exhibit 42, could
21 you highlight that for me, please. With the exception of the
22 reference to Exhibit 42, would you agree that you copied these
23 sentences verbatim from an earlier report?

24 A No. This is the way that I write all of my test fires.
25 This paragraph I typed myself. The language of how we write

1 up our test fires is meant to be consistent. So if you see a
2 report that has the same type of language in it, it's meant to
3 be from a point of consistency of describing how we conduct
4 those test fires. But this is my own paragraph of how I test
5 fire things that I completely authored myself.

6 So to answer your question, it would not surprise me
7 if I saw this language in another report because virtually
8 every FEO writes their test fires just like this.

9 Q Would it surprise you if it's -- with the exception of
10 the reference to Exhibit 42, every single word is the same as
11 prior report?

12 A No, it wouldn't surprise me at all. We standardly use
13 Federal Brand .223 Remington. We always say where our test
14 range is located. We always note whether it's the same
15 ammunition that's being tested when test -- do multiple tests.
16 We always note where the magazine is located from, whether
17 it's from the NFC or from the submitted sample. We always
18 explain how we load it, what the position of the safety
19 selector is in. It wouldn't surprise me at all.

20 Q And this paragraph is just talking about what you did?

21 A Yes, that's correct.

22 Q And we're basically almost done with this line of
23 questioning. I'll draw your attention to the five paragraphs
24 at the bottom of page 15. There is one that begins with the
25 sentence, The FRT-15 drop-in device. Do you see that part?

1 It's the last part on page 15. Let's just go to -- go to the
2 next page. Do you see the second-to-last paragraph before the
3 conclusion section, so again it wouldn't surprise you if -- it
4 wouldn't surprise you that, with the exception of a few words,
5 everything between those two paragraphs would appear in a
6 prior report that somebody else wrote?

7 A No, it wouldn't surprise me at all, and the paragraph
8 states that our office had previously tested these and this --
9 these paragraphs document the findings of those testings. In
10 order to maintain consistency and not state anything that
11 would be incorrect, yes, they would be copied.

12 Q So would it be fair to say that in the effort to be
13 consistent, and the numerous pages of this report that were
14 copied from prior reports, would it be fair to say that you
15 relied on past reports?

16 A Yes, that's correct.

17 MR. COLOMBO: Can we go to transcript U1, page 38,
18 line 21.

19 Q So the first question up there, "All right. Let's just
20 go if we drafted reports and you reviewed those." And you
21 answered?

22 A "Yes, I have."

23 Q Next question, if you could skip the next page. "But
24 it's your testimony that you didn't rely on any of those,
25 correct?" And your answer was?

1 A "That is correct." What I meant by that is, I didn't
2 rely on any of them to come to the conclusion that I came to.
3 Those reports didn't inform any of my decision of
4 classification. My classification and the conclusion of it
5 was based upon my own individual examination and I happen to
6 agree with those reports. So when I said that I didn't rely
7 on them, the way that I interpret that is I didn't rely on
8 them to base my conclusion on them.

9 Q As you conducted your examination, did you record what
10 you did into your report?

11 A In a manner, yes. I didn't specifically state I did
12 this, then I did this, then I did that in some type of manner.
13 I spoke about how I function tested it, how I disassembled it,
14 how I tested it in firearms. So yes, I did record how I
15 examined it.

16 Q Then you copied the content from past reports for the
17 final version?

18 A I copied the content that speaks about how the device
19 works, added minimal changes of things that I think made it
20 read better. I added certain paragraphs that elaborated on
21 other mechanics of the firearm.

22 Q Let's review your comparison of the FRT-15 to an M16. An
23 MS16 machine gun has a part called an auto sear, right?

24 A Yes.

25 Q And the auto sear can repeatedly release the hammer to

1 fire multiple shots without the trigger moving after the first
2 pull, right?

3 A Yes.

4 Q That's different from the FRT-15 where the trigger
5 movement is required for every shot fired, right?

6 A Yes. It's different in how it interacts with the hammer.

7 Q Okay. So but for an FRT-15, the trigger must move for
8 every shot fired, right?

9 A Yes, that's correct.

10 Q Indeed, in the FRT-15 the hammer is captured by the
11 trigger sear for each round fired, right?

12 A Yes, it is.

13 Q But an MS16 the hammer is not captured by the trigger
14 sear for each round fired, right?

15 A That is correct.

16 Q That means if you load into and fire five rounds in an
17 FRT-15, the trigger must move to its most rearward position
18 five times, right?

19 A Yes.

20 Q But if you load five rounds into an M16 machine gun and
21 then hold the trigger rearward without releasing it, you can
22 fire all five rounds?

23 A Yes, that's correct.

24 Q So unlike the M16, the FRT-15 would not operate if the
25 trigger were held in its most rearward position and not

1 allowed to move forward, right?

2 A Are you saying if the trigger was physically held in the
3 rearward position and did not move at all.

4 Q Was not allowed to move forward.

5 A Yes, it would not function. It would actually cause the
6 weapon to malfunction.

7 Q It would get off one shot, would that be fair?

8 A Yes, it would.

9 THE COURT: Are we talking about the shoe of the
10 trigger or the trigger as a whole? When you say it's held, I
11 think that my understanding is the shooter's finger only
12 interacts with the shoe; is that right?

13 MR. COLOMBO: Yes.

14 THE COURT: Okay.

15 Q Looking at it another way, if you load in to and fire
16 five rounds from the FRT-15, the trigger sear surface engages
17 the hammer five times, right?

18 A Yes, it does.

19 Q But if you load in to and fire five rounds from M16
20 machine gun, the trigger sear surface engages the hammer only
21 once?

22 A Yes, that's correct.

23 Q Finally, if you load in to and fire five rounds from an
24 FRT-15, the trigger will reset four times, right?

25 A Yes, that's correct.

1 Q So let's take a step back. Is it fair to say that after
2 a shot is fired it's FRT-15 applies forward force to the
3 trigger shoot?

4 A Yes, it does.

5 Q And that if a user has their finger on the trigger, the
6 FRT-15 will force the user's trigger finger forward?

7 A Yes, it will.

8 Q And that this is what allows the trigger to reset
9 rapidly?

10 A Yes.

11 Q And as we've discussed just not so long ago, you're
12 familiar with the device called the Tac-Con 3MR?

13 A I am.

14 Q It's a trigger that, like the FRT-15, is installed as
15 drop-in on a gun, drop-in device?

16 A Yes, that's correct.

17 Q And when a gun with the Tac-Con 3MR is fired, it too
18 forces the trigger finger forward?

19 A Yes, it does.

20 Q And if the user's finger is on the trigger -- well, it
21 forces the trigger forward I should start with; is that right?

22 A Yes.

23 Q If the user's finger is on the trigger it will force the
24 user's finger forward with it?

25 A Yes.

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

NATIONAL ASSOCIATION FOR GUN RIGHTS,)	
INC., ET AL.,)	
)	Case No. 4-23-cv-00830-O
Plaintiffs,)	
)	
v.)	
)	
MERRICK GARLAND,)	
IN HIS OFFICIAL CAPACITY AS)	
ATTORNEY GENERAL)	
OF THE UNITED STATES, ET AL.,)	
)	
Defendants.)	
)	

DECLARATION OF JOHN KORDENBROCK

1. My name is John Kordenbrock. I reside in North Las Vegas, Nevada.

2. I am a citizen. I have never been charged with or convicted of a felony. I am able to legally purchase and possess firearms.

3. I am a National Association for Gun Rights member.

4. In 2021, I ordered and received a forced reset trigger, the Wide Open Enterprises Wide Open Trigger (the “WOT”).

5. The purchase price for this WOT was about \$199.00.

6. On August 13, 2023, I received a letter from the Bureau of Alcohol, Tobacco, Firearms, and Explosives (“ATF”). Attached as Exhibit A.

7. The letter asserts that the “ATF has information that [I] have acquired one or more Forced Reset Trigger (FRT) devices from Red Beard Treasures, Rare Breed Triggers, or any authorized third-party vendor” and “[t]hese items have been classified as machineguns under the

Gun Control Act of 1968 and the National Firearms Act.” The letter states that it serves as notice possession of FRTs illegal:

This letter notifies you that the e possession of a FRT from Red Beard Treasures, Rare Breed Triggers, or any authorized third party vendor, is possession is possession of a machinegun in violation of Federal law. As such, this device is subject to seizure and forfeiture, and your continued possession or future transfer of these devices may result in criminal prosecution.”

8. The letter directed me to contact the ATF by leaving a voicemail or by sending an email to SFDD-letters@atf.gov within 30 days of receipt of the letter “to coordinate the abandonment of any, and all, of the FRT machinegun(s) described above.”

9. On September 10, 2023, I responded to the ATF by sending an email (attached as Exhibit B) stating, “I fully intended to comply with the shifting sands ATF’s definition of what a machine gun is and what a forced reset trigger is, how may I be of further assistance?”

10. As of September 19, 2023, the ATF has not responded.

11. I currently possess the aforementioned WOT and would like to continue to own and possess it, but I am concerned that by doing so I place myself at risk of the federal government seizing my property and taking punitive action against me.

Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on September 19, 2023.

By: s/ John Kordenbrock

Mr. John Kordenbrock,

U.S. Navy (Veteran)



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

San Francisco Field Division

August 11, 2023

www.atf.gov

JOHN KORDENBROCK
6417 INDIAN PEAK CT,
NORTH LAS VEGAS, NV 89084-2060

WARNING NOTICE

YOU MAY BE IN VIOLATION OF FEDERAL LAW

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) is responsible for enforcing Federal firearms laws. ATF has information that you have acquired one or more Forced Reset Trigger (FRT) devices from Red Beard Treasures, Rare Breed Triggers, or any authorized third-party vendor. These items have been classified as machineguns under the Gun Control Act of 1968 and the National Firearms Act.

The term “machinegun” means, in relevant part, “any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger . . . [and includes] . . . any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun,” 18 U.S.C. § 921(a)(24); 26 U.S.C. § 5845(b).

Federal law 18 U.S.C. § 922(o), generally prohibits an individual from possessing or transferring any machinegun not lawfully possessed prior to May 19, 1986. FRT devices were not manufactured prior to May 19, 1986.

This letter notifies you that the possession of a FRT from Red Beard Treasures, Rare Breed Triggers, or any authorized third party vendor, is possession of a machinegun in violation of Federal law. As such, this device is subject to seizure and forfeiture, and your continued possession or future transfer of these devices may result in criminal prosecution.

Immediately contact ATF by leaving a voicemail (with your name and contact number) at (925) 557-2892 or by emailing SFFD-letters@atf.gov within 30 days of receipt of this letter to coordinate the abandonment of any, and all, of the FRT machinegun(s) described above.

Thank you for your prompt attention to this matter.

Sincerely yours,

Jennifer Cicolani
Special Agent in Charge
Bureau of Alcohol, Tobacco, Firearms and Explosives
San Francisco Field Division

Jacob Roth (Dhillon Law)

From: John Kordenbrock <jjkord12@gmail.com>
Sent: Sunday, September 10, 2023 4:39 AM
To: SanFranciscoDiv@atf.gov
Subject: frt compliance

Hello, I fully intended to comply with the shifting sands ATF's definition of what a machine gun is and what a forced reset trigger is, how may I be of further assistance?

v/r,

John A. Kordenbrock

U.S. Navy Veteran

702-499-1781

EXHIBIT B

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

NATIONAL ASSOCIATION FOR GUN RIGHTS,
INC., ET AL.,

Plaintiffs,

v.

MERRICK GARLAND,
IN HIS OFFICIAL CAPACITY AS
ATTORNEY GENERAL
OF THE UNITED STATES, ET AL.,

Defendants.

Case No. 4-23-cv-00830-O

DECLARATION OF LANCE BENTON

1. My name is Lance Benton. I reside in Fort Worth, Texas.
2. I am a citizen. I have never been charged with or convicted of a felony. I am able to legally purchase and possess firearms.
3. I am a National Association for Gun Rights member.
4. On July 12, 2023, I received a letter from the Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF") about forced reset triggers ("FRTs"). Attached as Exhibit A.
5. The letter is dated June 29, 2023, and asserts that the "ATF has information that [I] have acquired one or more Forced/Hard Reset Trigger (FRT) devices from Paul Gage," that "[t]hese items have been classified as machineguns that were unlawfully manufactured," and that "due to their illegal manufacture, the registration of these devices in the National Firearms Registration and Transfer Record (NFRTR) is also a violation of law." The letter also states that it serves as notice that possession of FRTs is illegal:

This letter officially notifies you that the unlawful receipt and possession of any of these devices is a felony violation of Federal law and devices that are unlawfully received or possessed are subject to seizure and forfeiture by the Federal government. Continued possession of any of the devices could result in prosecution for criminal violations of Federal law as well as potential State criminal violations. Any future purchase or possession of such devices may subject you to prosecution as well.

6. The letter warns that “it has been determined that these FRT machineguns, at least one of which is in your possession, were not lawfully manufactured pursuant to [27 C.F.R. 479.105(c)]. Therefore, it is not lawful for you to possess the FRT machinegun(s).”

7. The letter directed me to contact the ATF by phone within 30 days of receipt of the letter “to coordinate the abandonment of any, and all, of the FRT machinegun(s) described above.”

8. On August 30, 2023, I received a phone call from an ATF agent named Kevin Mack. Agent Mack said that he wanted to let me know that forced reset triggers (“FRTs”) are machineguns. He said that if I have one, I have to dispose of it, give it to the ATF, or register it like a silencer. Agent Mack inquired whether I own an FRT, but I did not confirm or deny any personal information about possessing FRTs on the call.

9. I am interested in the ability to own and enjoy FRTs, but I am concerned that doing so would place me at risk of the federal government seizing my property and taking punitive action against me.

Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on September 19, 2023.

By:


Mr. Lance Benton



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Dallas Field Division

[June 29, 2023]

www.atf.gov

TQ: Lance Jack Benton
7957 Meadow View Trail
Fort Worth, TX 76120-2627

WARNING NOTICE

YOU MAY BE IN VIOLATION OF FEDERAL LAW

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) is responsible for enforcing Federal firearms laws. ATF has information that you have acquired one or more Forced/Hard Reset Trigger (FRT) devices from Paul Gage. These items have been classified as machineguns that were unlawfully manufactured. Possession of these devices is a violation of law due to their illegal manufacture. As such, due to their illegal manufacture, the registration of these devices in the National Firearms Registration and Transfer Record (NFRTR) is also a violation of law.

This letter officially notifies you that the unlawful receipt and possession of any of these devices is a felony violation of Federal law and devices that are unlawfully received or possessed are subject to seizure and forfeiture by the Federal government. Continued possession of any of the devices could result in prosecution for criminal violations of Federal law as well as potential State criminal violations. Any future purchase or possession of such devices may subject you to prosecution as well.

The National Firearms Act (NFA), Title 26 U.S.C. Section 5845(b), defines the term "machinegun" as:

"...any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person."

The Gun Control Act of 1968 (GCA), as amended. Title 18 U.S.C. Section 922(o), prohibits an individual from possessing or transferring any machinegun not lawfully possessed prior to May 19, 1986. Federal regulation at Title 27 C.F.R. Section 479.105(c) generally permits qualified importers or manufacturers to manufacture or import machineguns after May 19, 1986, for sale or distribution to the government. However, it has been determined that these FRT machineguns, at least one of which is in your possession, were not lawfully manufactured pursuant to this regulation. Therefore, it is not lawful for you to possess the FRT machinegun(s).

Immediately contact your local ATF office at 817-862-2800 within 30 days of receipt of this letter to coordinate the abandonment of any, and all, of the FRT machinegun(s) described above.

Thank you for your prompt attention to this matter.

Sincerely yours,

Jeffrey Boshek
Special Agent in Charge
Bureau of Alcohol, Tobacco, Firearms and Explosives
Dallas Field Division


DECLARATION OF RYAN FLUGAUR

1. My name is Ryan Flugaur. I reside in northern Colorado. I am over 18 years old and a United States citizen.
2. I am the Vice President of the National Association for Gun Rights. As Vice President, I oversee multiple departments and technical operations at the National Association for Gun Rights' national headquarters.
3. In my capacity as Vice President of the National Association for Gun Rights, I am aware of at least three members of the National Association for Gun Rights who are not named plaintiffs in this litigation and have reported receiving a warning letter and/or phone call from the Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF").
4. Of these three, at least one resides in the Northern District of Texas.
5. In my capacity as Vice President, I am personally aware that Mr. Patrick Carey, Mr. Travis Speegle, and Mr. J.R. Wheeler are members of the National Association for Gun Rights.

Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on September 19, 2023.

By:


Ryan Flugaur

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

NATIONAL ASSOCIATION FOR GUN RIGHTS,
INC., ET AL.,

Plaintiffs,

v.

MERRICK GARLAND,
IN HIS OFFICIAL CAPACITY AS
ATTORNEY GENERAL
OF THE UNITED STATES, ET AL.,

Defendants.

Case No. 4-23-cv-00830-O

DECLARATION OF LANE WATKINS

1. My name is Lane Watkins. I live in Buckeye, Arizona.
2. I am a citizen. I have never been charged with or convicted of a felony. I am able to legally purchase and possess firearms.
3. I am a National Association for Gun Rights member and a Texas Gun Rights member.
4. In 2022, I purchased an FRT-15 for about \$350.
5. On August 28, 2023, agents from the Bureau of Alcohol, Tobacco, Firearms, and Explosives (“ATF”) came to my home. I was not home, but they spoke with my father. They scanned his driver’s license and told him they had been trying to deliver a letter to me for a long time. They handed the letter off to my father to give to me. The letter is attached as Exhibit A.
6. The letter is dated August 18, 2023, and asserts that the “ATF has information that [I] have acquired one or more Forced/Hard Reset Trigger (FRT) devices from Red Beard Treasures, Rare Breed Triggers, or any authorized third-party vendor,” that “[t]hese items have been classified as machineguns that were unlawfully manufactured,” and that “due to their illegal manufacture, the

registration of these devices in the National Firearms Registration and Transfer Record (NFRTR) is also a violation of law.” The letter also states that it serves as notice that possession of FRTs is illegal:

This letter officially notifies you that the unlawful receipt and possession of any of these devices is a felony violation of Federal law and devices that are unlawfully received or possessed are subject to seizure and forfeiture by the Federal government. Continued possession of any of the devices could result in prosecution for criminal violations of Federal law as well as potential State criminal violations. Any future purchase or possession of such devices may subject you to prosecution as well.

7. The letter warns that “it has been determined that these FRT machineguns, at least one of which is in your possession, were not lawfully manufactured pursuant to [27 C.F.R. 479.105(c)]. Therefore, it is not lawful for you to possess the FRT machinegun(s).”

8. The letter directed me to contact the ATF by phone within 30 days of receipt of the letter “to coordinate the abandonment of any, and all, of the FRT machinegun(s) described above.”

9. I currently possess the aforementioned FRT-15 and would like to continue to own and possess it, but I am concerned that by doing so I place myself at risk of the federal government seizing my property and taking punitive action against me.

Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on September 20, 2023.

By: /s/ Lane Watkins

Mr. Lane Watkins



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Phoenix Field Division

08/18/2023

www.atf.gov

TO: Lane Watkins
1830 N 145th Ave #1067,
Goodyear, AZ 85395-
5404

WARNING NOTICE

YOU MAY BE IN VIOLATION OF FEDERAL LAW

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) is responsible for enforcing Federal firearms laws. ATF has information that you have acquired one or more Forced/Hard Reset Trigger (FRT) devices from Red Beard Treasures, Rare Breed Triggers, or any authorized third-party vendor. These items have been classified as machineguns that were unlawfully manufactured. Possession of these devices is a violation of law due to their illegal manufacture. As such, due to their illegal manufacture, the registration of these devices in the National Firearms Registration and Transfer Record (NFRTR) is also a violation of law.

This letter officially notifies you that the unlawful receipt and possession of any of these devices is a felony violation of Federal law and devices that are unlawfully received or possessed are subject to seizure and forfeiture by the Federal government. Continued possession of any of the devices could result in prosecution for criminal violations of Federal law as well as potential State criminal violations. Any future purchase or possession of such devices may subject you to prosecution as well.

The National Firearms Act (NFA), Title 26 U.S.C. Section 5845(b), defines the term "machinegun" as:

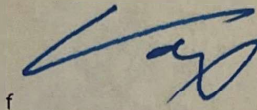
"...any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person."

The Gun Control Act of 1968 (GCA), as amended, Title 18 U.S.C. Section 922(o), prohibits an individual from possessing or transferring any machinegun not lawfully possessed prior to May 19, 1986. Federal regulation at Title 27 C.F.R. Section 479.105(c) generally permits qualified importers or manufacturers to manufacture or import machineguns after May 19, 1986, for sale or distribution to the government. However, it has been determined that these FRT machineguns, at least one of which is in your possession, were not lawfully manufactured pursuant to this regulation. Therefore, it is not lawful for you to possess the FRT machinegun(s).

Immediately contact your local ATF office at **602-776-5400** within 30 days of receipt of this letter to coordinate the abandonment of any, and all, of the FRT machinegun(s) described above.

Thank you for your prompt attention to this matter.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "B. Iber", is written over a small, faint, lowercase letter "f" that is part of the document's text.

Brendan D. Iber
Special Agent in Charge
Bureau of Alcohol, Tobacco, Firearms and Explosives
Phoenix Field Division

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

NATIONAL ASSOCIATION FOR GUN RIGHTS,)	
INC., ET AL.,)	
)	Case No. 4-23-cv-00830-O
Plaintiffs,)	
)	
v.)	
)	
MERRICK GARLAND,)	
IN HIS OFFICIAL CAPACITY AS)	
ATTORNEY GENERAL)	
OF THE UNITED STATES, ET AL.,)	
)	
Defendants.)	
)	

DECLARATION OF CHRIS McNUTT

1. My name is Chris McNutt. I reside near Dallas-Fort Worth, Texas. I am over 18 years old and a United States citizen.

2. I am President of Texas Gun Rights. As President, I oversee Texas Gun Right's operations.

3. In my capacity as President of Texas Gun Rights, I am aware of at least one member of Texas Gun Rights who is not a named plaintiff in this litigation and has reported receiving a warning letter and home visit from the Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF").

4. In my capacity as President, I am personally aware that Mr. J.R. Wheeler is a member of Texas Gun Rights.

Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on September 21, 2023.

By: s/ Chris McNutt

Chris McNutt

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

NATIONAL ASSOCIATION FOR GUN RIGHTS,)	
INC., ET AL.,)	
)	Case No. 4-23-cv-00830-O
Plaintiffs,)	
)	
v.)	
)	
MERRICK GARLAND,)	
IN HIS OFFICIAL CAPACITY AS)	
ATTORNEY GENERAL)	
OF THE UNITED STATES, ET AL.,)	
)	
Defendants.)	
<hr style="width: 50%; margin-left: 0;"/>		

DECLARATION OF WILLIAM CAREY

1. My name is William Carey. I reside in Clarks Summit, Pennsylvania.
2. I am a citizen. I have never been charged with or convicted of a felony. I am able to legally purchase and possess firearms.
3. I am a National Association for Gun Rights member.
4. In late 2022, I ordered and received a forced reset trigger, the Wide Open Enterprises Wide Open Trigger (the “WOT”), from Rare Breed Triggers, LLC.
5. The purchase price for this WOT was about \$250.00.
6. On August 25, 2023, I received a letter from the Bureau of Alcohol, Tobacco, Firearms, and Explosives (“ATF”). Attached as Exhibit A.
7. The letter asserts that the “ATF has information that [I] have acquired one or more Forced/Hard Reset Trigger (FRT) devices from Red Beard Treasures, Rare Breed Triggers, or any authorized third-party vendor,” that “[t]hese items have been classified as machineguns that were

unlawfully manufactured,” and that “[p]ossession of these devices is a violation of law due to their illegal manufacture.” The letter states that it serves as notice that possession of FRTs is a felony:

This letter officially notifies you that the unlawful receipt and possession of any of these devices is a felony violation of Federal law and devices that are unlawfully received or possessed are subject to seizure and forfeiture by the Federal government. Continued possession of any of the devices could result in prosecution for criminal violations of Federal law as well as potential State criminal violations. Any future purchase or possession of such devices may subject you to prosecution as well.

8. The letter directed me to contact the ATF by phone within 30 days of receipt of the letter “to coordinate the abandonment of any, and all, of the FRT machinegun(s) described above.”

9. Based on the ATF’s statements in this letter, I destroyed my WOT.

10. I have had no further contact with the ATF beyond receiving the letter.

11. Because of the ATF’s letter, I currently possess no functioning FRTs despite my interest in owning and possessing one. Though I would like to own and enjoy an FRT, I am concerned that doing so would place me at risk of the federal government seizing my property and taking punitive action against me.

Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on September 21, 2023.

By: s/ William Carey

Mr. William Carey



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Philadelphia Field Division

8/16/2023

www.atf.gov

TO: WILLIAM CAREY
510 GLADIOLA DR
CLARKS SUMMIT, PA 18411-2116

WARNING NOTICE

YOU MAY BE IN VIOLATION OF FEDERAL LAW

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) is responsible for enforcing Federal firearms laws. ATF has information that you have acquired one or more Forced/Hard Reset Trigger (FRT) devices from Red Beard Treasures, Rare Breed Triggers, or any authorized third-party vendor. These items have been classified as machineguns that were unlawfully manufactured. Possession of these devices is a violation of law due to their illegal manufacture. As such, due to their illegal manufacture, the registration of these devices in the National Firearms Registration and Transfer Record (NFRTR) is also a violation of law.

This letter officially notifies you that the unlawful receipt and possession of any of these devices is a felony violation of Federal law and devices that are unlawfully received or possessed are subject to seizure and forfeiture by the Federal government. Continued possession of any of the devices could result in prosecution for criminal violations of Federal law as well as potential State criminal violations. Any future purchase or possession of such devices may subject you to prosecution as well.

The National Firearms Act (NFA), Title 26 U.S.C. Section 5845(b), defines the term "machinegun" as:

"...any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person."

EXHIBIT A

The Gun Control Act of 1968 (GCA), as amended, Title 18 U.S.C. Section 922(o), prohibits an individual from possessing or transferring any machinegun not lawfully possessed prior to May 19, 1986. Federal regulation at Title 27 C.F.R. Section 479.105(c) generally permits qualified importers or manufacturers to manufacture or import machineguns after May 19, 1986, for sale or distribution to the government. However, it has been determined that these FRT machineguns, at least one of which is in your possession, were not lawfully manufactured pursuant to this regulation. Therefore, it is not lawful for you to possess the FRT machinegun(s).

Immediately contact your local ATF office at 484-781-6770 within 30 days of receipt of this letter to coordinate the abandonment of any, and all, of the FRT machinegun(s) described above.

Thank you for your prompt attention to this matter.

Sincerely yours,

Eric J. DeGree
Special Agent in Charge
Bureau of Alcohol, Tobacco, Firearms and Explosives
Philadelphia Field Division

DECLARATION OF MR. JAMES JOSEPH ROSS WHEELER

1. My name is James Joseph Ross Wheeler. I reside in Crandall, Texas.
2. I am a member of the National Association for Gun Rights, Inc.
3. I am also a member of Texas Gun Rights.

Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on September 21, 2023.

By: /s/ James Joseph Ross Wheeler
Mr. James Joseph Ross Wheeler

DECLARATION OF MR. PATRICK CAREY

1. My name is Patrick Carey. I reside in Zachary, Louisiana.
2. I am a member of the National Association for Gun Rights, Inc.
3. I am also a member of Texas Gun Rights.

Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on September 21, 2023.

By:

Mr. Patrick Carey

DECLARATION OF MR. TRAVIS SPEEGLE

1. My name is Travis Speegle. I reside in Austin, Texas.
2. I am a member of the National Association for Gun Rights, Inc.
3. I am also a member of Texas Gun Rights.

Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on September 22, 2023.

By: /s/ Travis Speegle
Mr. Travis Speegle